IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATIONS No 1656 of 2003
to
MISC.CIVIL APPLICATION No 1660 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE K.M.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MAHESHBHAI KESHAVLAL SHAH
Versus
UMESHBHAI C PATEL

Appearance:
1. Misc.Civil Application No. 1656 of 2003
MR MA PAREKH for Petitioner No. 1
UNSERVED-EXPIRED (R) for Respondent No. 1
RULE SERVED BY DS for Respondent No. 2
RULE UNSERVED for Respondent No. 3
RULE SERVED for Respondent No. 4
MR HASMUKH THAKKER for Respondent No. 5

CORAM : HON'BLE MR.JUSTICE K.M.MEHTA
Date of decision: 08/10/2004

COMMON ORAL JUDGEMENT

1. In all these matters, the facts are almost identical and therefore I am disposing all these matters by this common order.

2. I am taking the facts of Misc.Civil Application

No.1656 of 2003.

3. Maheshbhai Keshavlal Shah, applicant - original claimant has filed this application for transfer of Motor Accident Claim Petition No.530 of 2002 (Original No. CMA No.267/94) from M.A.C.T. Palanpur Court to M.A.C.T. at Ahmedabad City.

3.1 It is the case of the applicant that, originally the applicant had filed suit bearing CMA No.267/94 before the Motor Accident Claim Tribunal at Palanpur claiming Rs.1,50,000/- as damages. It is also the case of the applicant that, the applicant was travelling on 9.12.2003 at night 12.30 p.m. from Ahmedabad to Balotra in vehicle GJ-I-U-1155. It is also the case of the applicant that, when he was travelling in the said vehicle, at that time, highway at Kanodar one truck bearing No.RJ-19-G-2000 was coming from opposite side rashly and negligently and accident took place. In view of the same, on the ground of injury, the applicant has filed the said suit for damages. It appears that, in the original suit, the applicant No.1 has filed some application and the court has passed the order and, therefore, now the present application has been filed before this Court.

3.2 It is also the case of the applicant that the applicant is staying in Ahmedabad and the respondent No.1 is also staying in Ahmedabad and other respondents belongs to Rajasthan. However, respondents No.2 and 5 is the New India Insurance Co. Ltd. It is the case of the applicant that, in view of the provisions of Sec.166(2) of the Motor Vehicles Act, 1982, as amended by Amendment Act 54 of 1994 w.e.f. 14.11.94, the victims of accident can file application in the tribunal within those jurisdiction the applicant resides. Hence, the present applicant has been filed.

4. Mr.Parekh, the learned advocate for the applicant states that, the opponent No.1 - Umeshbhai C.Patel has expired, and on his place, Shrutiben widow of Umeshbhai Patel may be substituted and he has filed draft amendment. In view of the same, the draft amendment is granted.

5. In view of the provisions of the Motor Vehicles Act, this Misc.Civil Application is allowed. The proceedings pending before the Motor Accident Claim Tribunal at Palanpur Court being M.A.C.P. No.530 of 2002 is ordered to be transferred to Motor Accident Claim Tribunal at Ahmedabad City.

6. It may be noted that the original application is of 1994. In view of the same, the M.A.C.T., Ahmedabad, is requested to hear and dispose of the same as expeditiously as possible.

7. Similarly on this ground, the other Misc.Civil Applications No.1657 of 2003, 1658 of 2003, 1659 of 2003 and 1660 of 2003 are also allowed. Prayer in terms of para 7(B) is granted in the aforesaid Misc.Civil Applications. Rule is made absolute with no order as to costs. D.S. permitted.

(K.M. Mehta, J.)

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